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Micron Technology, Inc.
c/o Tom D'Amico
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2101 L Street, NW
Washington DC 20037-1526

In re Application of
Roger PANICACCI, et al.
Application No. 09/264,501
Filed: March 8, 1999
For: READOUT CIRCUIT WITH GAIN AND
ANALOG-TO-DIGITAL CONVERSION FOR
IMAGE SENSOR

Paper No. 20

MAIL

MAY 13 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed March 26, 2004, requesting the holding of abandonment be withdrawn in the above-identified application. No fee is required.

This application was held abandoned for failure to timely submit a response to the final Office action mailed June 18, 2003. A Notice of Abandonment was mailed March 24, 2004.

Petitioner alleges that the final Office action was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. Therefore, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application is being forwarded to the Technology Center's technical support staff for re-mailing the final Office action originally mailed June 18, 2003. The shortened statutory period will be re-set to begin as of the mailing thereof.

Kenneth A. Wieder
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Special Program Examiner
Technology Center 2600
Communications